

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

PLAINTIFFS' EXHIBIT 30
Plaintiffs' Initial Disclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

LATASHA HOLLOWAY,
and GEORGIA ALLEN

Plaintiffs,

vs.

CITY OF VIRGINIA BEACH, VIRGINIA
et al.,

Defendants.

Civil Action No: 2:18-cv-69

PLAINTIFFS' INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs Latasha Holloway and Georgia Allen hereby provide the following initial disclosures:

I. Individuals Likely to Have Information (Rule 26(a)(1)(A)(i))

A. Plaintiffs Latasha Holloway and Georgia Allen

Plaintiffs Latasha Holloway and Georgia Allen are expected to have information related to Plaintiffs' claims including their residence within a potential majority-minority district, their experiences with political participation in Virginia Beach, their experiences of governmental responsiveness to the minority community in Virginia Beach, and their inability to elect their candidates of choice under the current at-large election system. They may be contacted through their counsel named below.

B. Current and Past City Council Members and Mayors

The individually named City Council Defendants (including the Mayor) in this matter, as well as past City Council members and Virginia Beach Mayors, are expected to have information

related to Plaintiffs' claims including their specific electoral campaigns and elections, the racially polarized nature of politics in Virginia Beach, the racial dynamics of running for City Council in the current at-large election system, the responsiveness of City Council to the minority community, and other similar relevant matters. The following past City Council members have been identified in Plaintiffs' complaint and may have relevant information: Dr. Amelia Ross-Hammond, Louisa M. Strayhorn, John L. Perry, Ron A. Villanueva, Prescott Sherrod, and Harry Diezel. The contact information for these current and past City Council members is equally available to the Defendants. Plaintiffs are still identifying those specific individuals they may rely upon and will amend these disclosures to add any specific individuals they contact who may have discoverable information.

C. Former Candidates of Choice of the Minority Community for Elected Office in Virginia Beach

Former candidates of choice of the minority community for elected office in Virginia Beach are expected to have information related to Plaintiffs' claims including their specific electoral campaigns and elections, the racially polarized nature of politics in Virginia Beach, the racial dynamics of running for City Council or other elected office in Virginia Beach, the responsiveness of Virginia Beach government to the minority community, and other similar relevant matters. The following past candidates of choice of the minority community in Virginia Beach have been identified in Plaintiffs' complaint and may have relevant information: Tanya Bullock, Jose Flores, Andrew Jackson, James Cabiness, and Shaun Brown. The contact information for these current and past City Council members is equally available to the Defendants. Plaintiffs are still identifying those specific individuals they may rely upon and will amend these disclosures to add any specific individuals they contact who may have discoverable information.

D. Virginia Beach Director of Elections/General Registrar

The Director of Elections/General Registrar for the City of Virginia Beach is Donna Patterson. She can be contacted at (757) 385-8683, or by email at voter@vbgov.com. Per the City of Virginia Beach website:

The Voter Registration & Elections office maintains the current registration and elections process for Virginia Beach voters and meets mandatory state and federal standards for access to voter registration, such as the regulations of the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The National Voter Registration Act necessitated a joint program with the Department of Motor Vehicles (DMV), as a result you can register to vote in conjunction with other DMV transactions at any DMV Customer Service Center during all the hour that DMV is open.

As Director of Elections/General Registration, Ms. Patterson is likely to be the custodian of many relevant documents related to voter registration rates, turnout rates, and electoral results. She may also have information about voter sentiment and enthusiasm and the impact of the at-large electoral system or racial dynamics in Virginia Beach on voter sentiment, enthusiasm, registration, and turnout.

E. Virginia Beach City Clerk

Amanda Barnes, MMC, is an Appointee of City Council, Custodian of the City Seal, and an Acceptance Agent for the United States Passport Agency. Per the City of Virginia Beach Website:

The City Clerk provides a historical record of the governing body (some records date as early as the 1860's); prepares and distributes the City Council Agenda, Minutes and Summary of Action; provides administrative services to City Council and the citizens; attests to all official documents insuring compliance with legislative law and City Council Action; provides and monitors legal advertising; and maintains the highest standards of customer service.

As City Clerk, Ms. Barnes is likely to be the custodian of many relevant city documents including but not limited to City Council minutes, election results, and demographic information.

Ms. Barnes' contact information can be found here:
<https://www.vbgov.com/government/departments/city-clerk/Pages/default.aspx>.

II. Documents in Plaintiffs' Possession (Rule 26(a)(1)(A)(ii))

Plaintiffs intend to rely upon documents produced by the City of Virginia Beach in response to a FOIA request from Plaintiff Latasha Holloway. Defendants are already in possession of those documents. Plaintiffs may also rely on newspaper articles, including those described in an attachment to this disclosure. Plaintiffs may also rely on generally available demographic data from the United States Census Bureau. Plaintiffs will disclose all materials relied upon by their experts at the time they disclose their expert reports pursuant to the Court's scheduling order.

Copies of documents which Plaintiffs may use to support their case that are not already in the court record will be made available, by agreement of the parties, subject to the reservations otherwise set forth therein. Plaintiffs expect to receive additional documents via discovery from Defendants and other individuals and entities that will support their claims.

III. Damages Amount in Controversy (Rule 26(a)(1)(A)(iii))

Plaintiffs' action seeks injunctive and declaratory relief; it does not seek monetary damages.

IV. Insurance (Rule 26(a)(1)(A)(iv))

Plaintiffs do not possess any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action, or to indemnify or reimburse for payments made to satisfy the judgment.

V. Conclusion

These initial disclosures are based on information reasonably available to Plaintiffs at this time. Plaintiffs reserve the right to identify additional persons, documents, tangible things and other information in this case by supplementation of these disclosures, the formal discovery process, or by any other method of communication. Plaintiffs also reserve the right to make use of any party's witnesses or documents to pursue this action. These disclosures are not intended, and should not be construed, as a waiver of any objection to the production, use, or admission into evidence of any document or information that Plaintiffs may be legally entitled to assert during the discovery or trial of this action.

Dated: April 3, 2019

Respectfully submitted,

/s/ Danielle Lang

One of the Attorneys for Plaintiffs

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